

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

GOOGLE, LLC and ALPHABET INC., a single employer,

Respondents,

and

(b) (6), (b) (7)(C), an Individual,

Case Nos.: 20-CA-252802

Charging Party,

and

(b) (6), (b) (7)(C), an Individual,

20-CA-252902

Charging Party,

and

COMMUNICATION WORKERS OF AMERICA, AFL-CIO,

20-CA-252957

20-CA-253105

Charging Party,

20-CA-253464

and

(b) (6), (b) (7)(C), an Individual,

20-CA-253982

Charging Party.

**ANSWER TO THIRD AMENDED COMPLAINT AND
ANSWER TO AMENDMENT TO THE THIRD AMENDED COMPLAINT**

Google, LLC and Alphabet, Inc. (collectively “Respondents”), answer the allegations in the Third Amended Complaint (“Third Amended Complaint”) dated July 19, 2021, and the Amendment to the Third Amended Complaint (“Amended Third Amended Complaint”) dated July 26, 2021, and assert their Affirmative Defenses, as follows:

1. In answering paragraph 1 of the Third Amended Complaint, Respondents state that:
 - (a) Admit;
 - (b) Admit;
 - (c) Admit;
 - (d) Admit;
 - (e) Admit;
 - (f) Admit;
 - (g) Admit;
 - (h) Admit;
2. In answering paragraph 2 of the Third Amended Complaint, Respondents state that:
 - (a) Admit;
 - (b) Admit;
 - (c) Admit.
3. In answering paragraph 3 of the Third Amended Complaint, Respondents state that:
 - (a) Admit;
 - (b) Admit;
 - (c) Admit.
4. In answering paragraph 4 of the Third Amended Complaint, Respondents state that:
 - (a) Admit that, for the purposes of this Third Amended Complaint, as amended, Respondents are a single employer. Except as expressly admitted, deny;
 - (b) Admit that, for the purposes of this Third Amended Complaint, as amended, Respondents are a single employer. Except as expressly admitted, deny.
5. Admit.

6. (a) In answering paragraph 6(a) of the Third Amended Complaint:

- (i) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (ii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);
- (iii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C)
- (iv) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C), 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
- (v) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);
- (vi) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C),

2019, when [REDACTED] held the job title of (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);

(vii) Admit that (b) (6), (b) (7)(C) was a supervisor within the meaning of Section 2(11) of the Act, in or around [REDACTED] 2019 to [REDACTED] 2019, when [REDACTED] held the job title of (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);

(b) In answering paragraph 6(b) of the Third Amended Complaint:

(i) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around [REDACTED] 2019 through [REDACTED] [REDACTED] 2019 when [REDACTED] held the job title of (b) (6), (b) (7)(C) and in or around [REDACTED], 2019 through [REDACTED], 2019, when [REDACTED] held the job title of (b) (6), (b) (7)(C) (incorrectly identified as holding this position since [REDACTED] 2019 in the Third Amended Complaint);

(ii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around [REDACTED] 2019 through [REDACTED] [REDACTED] 2019, when [REDACTED] held the job title of (b) (6), (b) (7)(C) ;

(iii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around [REDACTED] 2019 through [REDACTED], 2019, when [REDACTED] held the job title of (b) (6), (b) (7)(C) [REDACTED];

- (iv) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (v) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C), 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) ;
- (vi) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around November 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (vii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) ;
- (viii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C) ;
- (ix) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C), 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) ;
- (x) Admit that Unnamed Agent # 1 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through

(b) (6), (b) (7)(C), 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C);

(xi) Admit that Unnamed Agent # 2 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C), 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C);

(xii) Admit that Unnamed Agent #3 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and in or around (b) (6), (b) (7)(C), 2019 through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019 when (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C);

(xiii) Admit that Unnamed Agent #4 was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C);

(xiv) Admit that (b) (6), (b) (7)(C) (misspelled in the Third Amended Complaint as (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019, when (b) (6), (b) (7)(C) held the job title of (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);

(xv) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 through

(b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C), in or around (b) (6), (b) (7)(C), 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) and in or around (b) (6), (b) (7)(C), 2019 through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint);

(xvi) Admit that Sundar Pichai was an agent within the meaning of Section 2(13) of the Act in or around January 1, 2017 through December 31, 2019, when he held the job title of Chief Executive Officer;

(xvii) Admit that Sergey Brin was an agent within the meaning of Section 2(13) of the Act in or around January 1, 2017 through December 31, 2019, when he held the job title of President, Technology;

(xviii) Admit that (b) (6), (b) (7)(C) was an agent within the meaning of Section 2(13) of the Act in or around (b) (6), (b) (7)(C) 2019 to (b) (6), (b) (7)(C), 2019, when (b) (6) held the job title of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (incorrectly identified as (b) (6), (b) (7)(C) in the Third Amended Complaint).

7. Deny.

8. In answering paragraph 8 of the Third Amended Complaint:

(a) Deny;

(b) Deny.

9. Deny.

10. Deny.
11. Deny.
12. In answering paragraph 12 of the Amendment to the Third Amended Complaint:
 - (a) Admit;
 - (b) Deny.
13. In answering paragraph 13 of the Third Amended Complaint:
 - (a) Deny;
 - (b) Deny.
14. In answering paragraph 14 of the Third Amended Complaint:
 - (a) Deny;
 - (b) Deny.
15. In answering paragraph 15 of the Third Amended Complaint:
 - (a) Deny;
 - (b) Admit (b) (6), (b) (7)(C) accessed documents related to Respondent's relationship with U.S. Customs and Border Control. Except as expressly admitted, deny;
 - (c) Deny;
 - (d) Admit (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) accessed documents related to Respondent's relationship with U.S. Customs and Border Control. Except as expressly admitted, deny;
 - (e) Admit (b) (6), (b) (7)(C) published an internal document linking to some of the documents described in subparagraph 15(d). Except as expressly admitted, deny;
 - (f) Deny;

- (g) Admit (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) accessed documents related to Respondent's relationship with Palantir. Except as expressly admitted, deny;
- (h) Admit (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) published an internal document linking to some of the documents described in subparagraph 17(g). Except as expressly admitted, deny;
- (i) Admit;
- (j) Deny.

16. In answering paragraph 16 of the Third Amended Complaint, Respondents state that:

- (a) Deny;
- (b) Deny;
- (c) Admit (b) (6), (b) (7)(C) was "placed on administrative leave." Except as expressly admitted, deny;
- (d) Admit;
- (e) Deny.

17. In answering paragraph 17 of the Third Amended Complaint, Respondents state that:

- (a) Deny;
- (b) Deny;
- (c) Deny;
- (d) Deny;

(e) Admit (b) (6), (b) (7)(C) wrote “code for a pop-up featuring an NLRB Notice from Case 32-CA-176462 that would automatically appear when an employee visited Respondent’s Community Guidelines and other web pages.” Except as expressly admitted, deny;

(f) Admit;

(g) Admit;

(h) Admit;

(i) Admit;

(j) Admit;

(k) Admit;

(l) Admit;

(m) Admit;

(n) Deny;

(o) Deny.

18. Deny.

19. Deny.

AFFIRMATIVE DEFENSES

1. The employees’ conduct alleged in the Third Amended Complaint, as amended, was not protected by the Act and, even if it was, the conduct lost any protection it might have otherwise had under the Act.

2. The discipline alleged in the Third Amended Complaint was warranted by violations of Respondents’ policies, such as Google’s Code of Conduct and Standards of Conduct policies, the validity of which are not at issue.

3. Respondents acted lawfully to maintain a work environment that is free of unlawful discrimination, harassment and bias.

4. Respondents deny any discipline alleged in the Third Amended Complaint was in whole or in part for protected conduct, but the same discipline would have been imposed even in the absence of protected conduct, and was based on legitimate business reasons and not discriminatory or retaliatory animus.


WHEREFORE, Respondents respectfully request the following relief:

1. Judgment be entered dismissing the Third Amended Complaint on the merits and with prejudice in its entirety; and

2. Directing such other relief as the Board deems just and equitable.

DATED: August 2, 2021

Respectfully submitted,
PAUL HASTINGS LLP
CAMERON W. FOX
J. AL LATHAM, JR.
SARA B. KALIS
ERIC DISTELBURGER

By: 

SARA B. KALIS
PAUL HASTINGS LLP
200 Park Ave.
New York, NY 10166
sarakalis@paulhastings.com

Attorneys for Respondents
GOOGLE, LLC and
ALPHABET INC.